

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DEBORAH D. PETERSON, Personal  
Representative of the Estate of James C.  
Knipple (Dec.), et al.,

Plaintiffs,

-v-

ISLAMIC REPUBLIC OF IRAN, et al.,

Defendants.

Civ. No. 10 Civ 4518 (BSJ) (MHD)

CITIBANK, N.A.

Third-Party Petitioner,

-v-

JEREMY LEVIN AND DR. LUCILLE  
LEVIN,

Third-Party Respondents.

**ANSWER OF DEBORAH D. PETERSON, et al., TO CROSS-CLAIMS OF THE  
LEVIN THIRD-PARTY DEFENDANTS**

Plaintiffs (the “Peterson Plaintiffs”), by their undersigned counsel, for their answer to the Cross-Claims against the Peterson Plaintiffs (the “Levin Cross-Claims”) [Dkt. No. 59] filed by Third-Party Defendants Jeremy Levin and Dr. Lucille Levin, allege as follows:

1. Paragraph 65 of the Levin Cross-Claims requires no responsive pleading. To the extent a response is required, the Peterson Plaintiffs deny the allegations contained in paragraph 65 of the Levin Cross-Claims, and/or lack knowledge or information sufficient

to form a belief as to the truth of the allegations contained in paragraph 65 of the Levin Cross-Claims; accordingly, such allegations are denied.

2. The Peterson Plaintiffs lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 66 of the Levin Cross-Claims; accordingly, such allegations are denied.

3. The Peterson Plaintiffs lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 67 of the Levin Cross-Claims; accordingly, such allegations are denied.

4. The Peterson Plaintiffs lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 68 of the Levin Cross-Claims; accordingly, such allegations are denied.

5. The Peterson Plaintiffs lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 69 of the Levin Cross-Claims; accordingly, such allegations are denied.

6. The Peterson Plaintiffs lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 70 of the Levin Cross-Claims; accordingly, such allegations are denied.

7. The Peterson Plaintiffs deny the allegations contained in paragraph 71 of the Levin Cross-Claims.

8. The Peterson Plaintiffs deny the allegations contained in paragraph 72 of the Levin Cross-Claims.

9. The Peterson Plaintiffs deny the allegations contained in paragraph 73 of the Levin Cross-Claims.

10. The Peterson Plaintiffs admit the allegations contained in paragraph 74 of the Levin Cross-Claims.

11. The Peterson Plaintiffs deny the allegations contained in paragraph 75 of the Levin Cross-Claims.

12. The Peterson Plaintiffs deny the allegations contained in paragraph 76 of the Levin Cross-Claims.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

13. The Peterson Plaintiffs' claims are superior as a matter of law to those of the Levin Third-Party Defendants.

#### **Second Affirmative Defense**

14. The Levin Third-Party Defendants' writs are defective as a matter of law.

#### **Third Affirmative Defense**

15. The Peterson Plaintiffs have superior rights to the assets in question for the reasons set forth in their Amended Complaint and the accompanying papers filed therewith.

#### **Fourth Affirmative Defense**

16. The Levin Cross-Claims fail to state a claim upon which relief may be granted.

#### **Fifth Affirmative Defense**

17. The Levin Cross-Claims should be dismissed because they are defective in that they fail to specifically identify against whom relief is sought.

#### **Sixth Affirmative Defense**

18. The Levin Cross-Claims against the Peterson Plaintiffs should be dismissed because the Peterson Plaintiffs were not properly joined as parties pursuant to Federal Rules of Civil Procedure Rule 22 in Citibank's Third-Party Petition Alleging Claims in the Nature of Interpleader or in any answer or counterclaim filed by Citibank, and

therefore the Peterson Plaintiffs are not a party to Citibank's claims in the nature of interpleader. Therefore, any claims by the Levins against the Peterson Plaintiffs may not be asserted by way of a Cross-Claim under Federal Rules of Civil Procedure Rule 13.

Seventh Affirmative Defense

19. The Levin Third-Party Defendants have waived any alleged claims asserted against the Peterson Plaintiffs or any right to the turnover of the Restrained Assets.

Eighth Affirmative Defense

20. The Levin Third-Party Defendant failed to make diligent efforts to enforce their judgment against the Restrained Assets identified in Citibank's Third-Party Petition, and are therefore barred from claiming any interest therein that is superior to the interests of the Peterson Plaintiffs, inter alia, under the doctrines of estoppel, equitable estoppel, laches, and/or unjust enrichment.

The Peterson Plaintiffs reserve the right to assert additional affirmative defenses that may become apparent after additional discovery or otherwise.

**WHEREFORE**, the Peterson Plaintiffs respectfully request that the Court enter judgment in their favor and against the Levin Third-Party Defendants dismissing the Levin Cross-Claims with prejudice and awarding the Peterson Plaintiffs costs, and such other relief as the Court deems appropriate.

Dated: September 16, 2011

SALON MARROW DYCKMAN NEWMAN & BROUDY LLP

By: s/  
Liviu Vogel  
292 Madison Avenue  
New York, New York 10017  
(212) 661-7100

lvogel@salonmarrow.com

*Attorneys for Peterson Plaintiffs*